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10/629,966	07/30/2003	Gary E. Sullivan	P1468US01	9544
32709	7590	12/23/2008	EXAMINER	
GATEWAY, INC.			STOKELY-COLLINS, JASMINE N	
ATTN: PATENT ATTORNEY			ART UNIT	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/629,966

**Applicant(s)**

SULLIVAN ET AL.

**Examiner**

JASMINE STOKELY-COLLINS

**Art Unit**

2423

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 10, 11, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10, 11, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on 12/4/2008 have been fully considered but they are not persuasive.

Applicant argues on page 6 of his remarks that DeCarmo does not disclose incompatible control schemes. The examiner disagrees and addressed this argument in the advisory action mailed on 10/27/2008:

The applicant argues that DeCarmo does not teach incompatible parental control schemes. The examiner disagrees; Separate, incompatible ratings systems would be deducted by one of ordinary skill in the art from in fig. 2. Fig. 2 shows input streams to the Ratings Manager comprise digital cable, DSS, and HDTV which use TV parental Guidelines (TV-Y, TV-Y7, TV-PG...TV-14...TV-MA based on violence, language, sexual content, dialogue, and fantasy violence) as a standard ratings system for television programming in the United States, and DVDs will typically use Motion Picture Association of America (G, PG, N-17...M) as a standard rating system for motion pictures. These parental rating systems do not have definitive equivalences for each rating within each other, and therefore are incompatible. The ratings manager separately "queries each input stream" and "sets the parental control defaults for all input streams based upon the capabilities queried" (col. 7 ll. 45-51).

Again, the input streams of DeCarmo's invention comprise cable, DSS, HDTV, and DVD. DVD has a different rating system than the former listed input streams. The streams will have different parental control capabilities due to their different and incompatible ratings systems. A plain definition of incompatible is "inconsistent in thought or being". One ratings system cannot be interchanged with or replaced by the other due to the lack of a one-to-one correspondence between their ratings. The ratings systems are inconsistent and therefore

incompatible with one another. DeCarmo teaches querying each input stream and setting ratings based on the stream's capabilities. Therefore, both the TV Parental Guidelines system and MPAA system are utilized despite their incompatibility.

On page 8 of the applicant's remarks, the applicant takes issue with the cited portion of DeCarmo in regards to limitation "the control programming allows a user to choose general control parameters of the first parental control scheme and the second parental control scheme". The cited portion of DeCarmo (col. 8 ll. 5-10) teaches a user being able to choose control parameters of a parental control scheme. The example given is illustrative of the procedure used in changing parental control parameters. While the example only refers to one parental control scheme because of its illustrative nature, DeCarmo clearly teaches control of each separate input stream, wherein separate input stream may use different and incompatible parental control schemes (i.e. cable vs. DVD, as discussed above).

The examiner's previous rejection of the previously presented limitations is sustained.

Applicant's added limitations in the amended claims are taught by newly introduced reference US 6,701,523 B1 to Hancock et al, and are addressed below in the rejection.

### ***Claim Objections***

1. Claim 14 is objected to because of the following informalities: Claim 14 recites "the second user-delectable items" which appears to be a typographical error. For the rest of this Office Action, "the second user-delectable items" will be interpreted as "the second user-selectable items."

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeCarmo (US 6,760,915 B2) in view of Ward III et al (US 2002/0013941 A1) and Hancock et al (US 6,701,523).

Regarding claim 1, DeCarmo teaches a system for controlling a plurality of parental control subsystems in an audio/visual system (column 2 lines 4-6, lines 9-12), comprising:

a computer (column 3 lines 17-19) having a memory (figure 1 elements 110 and 115, column 3 lines 25-31) and a display (figure 1 element 170, column 3 lines 58-60);

one or more audio and/or audiovisual devices interfaced to said computer (column 4 lines 18-19 and 47-53), wherein at least one of said audio and/or audiovisual devices comprises a native parental control subsystem having adjustable parameters (which version of a movie to send, column 8 lines 5-7); control programming which operates the computer to receive user input (figure 2 element 204, column 4 lines 35-36), said user input allowing a user to choose one or more general parental control parameters (column 2 lines 18-22, lines 41-45); and control programming which operates the computer to set the adjustable parameters of each native parental control subsystem within said system (column 8 lines 5-10);

wherein the adjustable control parameters of the native parental control system include a first parental control scheme and a second parental control scheme, the first parental control scheme being incompatible with the second parental control scheme (column 2 lines 4-7 and lines 9-12 suggest DeCarmo's invention can be implemented with multiple devices having incompatible parental control schemes), and wherein the control programming allows a user to choose general control parameters of the first parental control scheme and the second parental control scheme (column 8 lines 5-10 show an example of how ratings manager 210 can adjust the parental control parameters of a device). Further, in column 7 lines 45-55, deCarmo clearly discloses that an input stream of each input stream device is analyzed by the ratings manager and either granted or denied access based on each input stream's capabilities. Column 4 lines 18-19

and 47-55 disclose a plurality of input devices, ranging from cable and satellite television to a DVD player (each having its own ratings system or other control mechanisms (see col. 7 ll. 58-67), where a ratings system or other control mechanism is a type of parental control scheme).

DeCarmo does not teach said system is configurable by a graphical user interface (GUI).

Ward teaches a parental control system configurable by a graphical user interface (GUI) (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a GUI to configure parental control settings, as taught by Ward, with the parental control system taught by DeCarmo for the benefit of providing a user with an easy-to-use interface for setting parental controls.

DeCarmo in view of Ward does not teach said user input comprises user selection of on-screen items displayed via said graphical user interface; wherein said graphical user interface comprises:

a first on-screen overlay comprising ,including a plurality of first user-selectable items, each of the first user-selectable items comprising a representation for an audiovisual content rating and including the content ratings of the first parental control scheme and the second parental control scheme, each audiovisual content rating representation including an indication that the audiovisual content rating is locked or unlocked; and  
a second on-screen overlay including a plurality of second user- selectable items,

each of the second user-selectable items comprising a representation for a television channel, each television channel representation including an indication that the television channel is locked or unlocked.

Hancock teaches a parental control system in which a user can control parental controls through a GUI. Hancock's user input comprises user selection of on-screen items displayed via said graphical user interface (V-Chip Plus+, col. 3 ll. 20-30);

wherein said graphical user interface comprises:

a first on-screen overlay comprising ,including a plurality of first user-selectable items, each of the first user-selectable items comprising a representation for an audiovisual content rating and including the content ratings of the first parental control scheme and the second parental control scheme (fig. 7, where both TV and movie ratings are displayed), each audiovisual content rating representation including an indication that the audiovisual content rating is locked or unlocked (col. 10 ll. 1-5); and

a second on-screen overlay including a plurality of second user- selectable items, each of the second user-selectable items comprising a representation for a television channel (fig. 13), each television channel representation including an indication that the television channel is locked or unlocked (col. 13 ll. 37-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the GUI taught by Hancock in the parental



ratings system taught by DeCarmo in view of Ward for the benefit of providing an easy-to-use interface for managing parental control blocks.

Regarding claim 2, when read in light of claim 1, DeCarmo further teaches said one or more audio and/or audiovisual devices comprises a plurality of audio and/or audiovisual devices interfaced to said computer (column 4 lines 18-19 and 47-53), and wherein at least two of said audio and/or audiovisual devices comprise a native parental control subsystem having adjustable parameters (column 2 lines 4-6 and 9-12, column 8 lines 5-10 disclose a native parental control system in a DVD player, and column 4 lines 47-53 disclose two DVD players may be attached to the system).

Regarding claim 3, when read in light of claim 2, DeCarmo further teaches said at least two audiovisual devices are multimedia devices (column 4 lines 47-53).

Regarding claim 4, when read in light of claim 3, DeCarmo further teaches said multimedia devices are one or more DVD devices (column 4 lines 18-19 and lines 47-53), video tape devices, television devices (column 4 lines 53-54), or any combination thereof.

Regarding claim 5, when read in light of claim 4, DeCarmo further teaches said television devices are selected from the group consisting of televisions, cable television set top boxes (figure 2 element 218, column 4 lines 54-55), digital satellite service set top converters (figure 2 element 216, column 4 lines 53-54), television tuner cards, and any combination thereof.

Regarding claim 6, when read in light of claim 2, regarding limitation "said user input comprises user responses to a series of on-screen questions", it would have been obvious to one of ordinary skill at the time the invention was made to alter the parental control set-up taught by Ward by presenting the viewer with the questions implied by the menu screen. For example, in figure 1 DeCarmo is implicitly asking "Which category would you like?" to the user. In figure 6, after a user has selected "By Ratings" in figure 5, the implicit question is "Which ratings would you like to allow?". Examiner takes official notice that it was well known, and obvious, to simplify the selection process even further by displaying those questions which are implied by each menu screen.

Regarding claim 7, when read in light of claim 2, Ward further teaches user input comprises user selection of on- screen items displayed via said graphical user interface (page 4 section 0051).

Regarding claim 8, when read in light of claim 7, Ward further teaches said graphical user interface comprises a first on-screen overlay, said first on-screen overlay comprising audiovisual content-based user-selectable items (figure 1, when user selects "By Ratings"), and a second on-screen overlay, said second on-screen overlay comprising television channel-based user-selectable items (figure 1, when user selects "By Channel").

Regarding claim 9, when read in light of claim 8, DeCarmo in view of Ward and Hancock further teaches audiovisual content-based user selectable-items comprise television programming ratings, movie ratings, or both (Ward figure 6).

Regarding claim 10 when read in light of claim 8, DeCarmo in view of Ward and Hancock further teaches control programming which operates the computer to provide on-screen visual indicia of user input (Ward page 5 section 0071).

Regarding claim 11 when read in light of claim 1, DeCarmo further teaches at least two audio and/or audiovisual devices are interfaced to said computer (column 4 lines 18-19 and lines 47-55), the at least two audio and/or audiovisual devices including native parental control subsystems (column 2 lines 4-6 and 9-12, column 8 lines 5-10 disclose a native parental control system in a

DVD player, and column 4 lines 47-53 disclose two DVD players may be attached to the system).

Regarding claim 13, when read in light of claim 1, DeCarmo further teaches control programming (column 12 lines 54-59) which operates the computer to set the adjustable parameters of each native parental control subsystems is based on the received user input choosing the one or more general parental parameters (column 2 lines 18-22, column 8 lines 5-10).

Regarding claim 14, when read in light of claim 1, DeCarmo in view of Ward and Hancock further teaches control programming operates the computer to display a context information box when a pointer hovers over a particular representation of the first user-selectable items or the second user-selectable items (Hancock col. 9 ll. 59-67, where a highlight is a type of pointer: One that directs, indicates, or points; a mark to indicate a direction or relation).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASMINE STOKELY-COLLINS whose telephone number is (571) 270-3459. The examiner can normally be reached on M-Th 9:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jasmine Stokely-Collins/  
Examiner, Art Unit 2423

/Andrew Y Koenig/  
Supervisory Patent Examiner, Art Unit 2423